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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,739	05/09/2002	Yin-Chun Huang	8929-US-PA	6253

31561 7590 06/09/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI, 100  
TAIWAN

EXAMINER

GIBBS, HEATHER D

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/063,739	<b>Applicant(s)</b> HUANG ET AL.	
	<b>Examiner</b> Heather D. Gibbs	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,6-9,13-14,18-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung et al (US 2003/0076550A1) in view of Boll (US 2003/0063333A1).

For claim 1, which is representative of claims 8 and 13, Cheung discloses a floating window, suitable for use in a flatbed scanner, wherein the flatbed scanner comprises at least a top lid having an opening therein and an optical scan module, and the optical scan module periodically shifts under the opening, the floating window, comprising: a transparent flat panel, disposed under the opening and having a top surface and an opposing bottom surface (Page 2 Paragraph 0021); a supporting member 106, located on a surface of the top lid, the supporting member having a supporting surface which is in contact with a periphery of the bottom surface of the transparent flat panel; a limiting member 114, located on the surface of the top lid, the limiting member having a limiting surface disposed on a periphery of the top surface of the transparent flat panel (Page 1 Paragraph 0014).

Cheung does not disclose expressly a flexible member, disposed between the top surface and the limiting surface, wherein when the optical scan module pushes the

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bottom surface of the transparent flat panel upward, the flexible member presses the top surface of the transparent flat panel downward accordingly.

Boll discloses a flexible member, disposed between the top surface and the limiting surface, wherein when the optical scan module pushes the bottom surface of the transparent flat panel upward; the flexible member presses the top surface of the transparent flat panel downward accordingly (Page 3 Paragraph 0032).

Cheung & Boll are combinable because they are from the same field of endeavor, flatbed scanners.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Boll with Cheung by incorporating a spring-loaded catch.

The suggestion/motivation for doing so would have been to retain the shield in the (second) position, as taught by Boll.

Therefore, it would have been obvious to combine Bell with Cheung to obtain the invention as specified in claim 1.

Regarding claim 2, which is representative of claims 9 and 14, Boll teaches wherein the optical scan module comprises a pushing device disposed on top of the optical scan module, such that the optical scan module pushes the transparent flat panel upward via the pushing device (Page 3 Paragraph 0032).

Considering claim 6, which is representative of claim 18, Cheung teaches wherein the supporting member 106 is integrally formed with the surface of the top lid (Fig 1A).

For claim 7, which is representative of claim 19, Cheung discloses wherein the limiting member 114 is integrally formed within the surface of the top lid (Fig 1A).

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3. Claims 3,10,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung and Boll in view of Tsai et al (US 6,678,075).

Cheung and Boll disclose the floating window as described above.

Cheung and Boll do not disclose expressly wherein the pushing device slides under the bottom surface of the transparent flat panel.

Tsai discloses a pushing device that slides under a bottom surface of a transparent flat panel (Col 3 Lines 29-55).

Cheung, Boll & Tsai are combinable because they are from the same field of endeavor, image-reading devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Tsai with Cheung and Boll.

The suggestion/motivation for doing so would have been as security for the transparent flat panel.

Therefore, it would have been obvious to combine Tsai with Cheung and Boll to obtain the invention as specified in claims 3,10,15.

4. Claims 5,12,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung and Boll in view of Hsu (US 2003/0058488A1).

Cheung and Boll disclose the floating window as discussed above.

Cheung and Boll do not disclose expressly wherein the transparent flat panel extends to a region beyond the opening, while the moving area of the pushing device includes a part of the region beyond the opening.

Hsu discloses wherein the transparent flat panel extends to a region beyond the opening, while the moving area of the pushing device includes a part of the region beyond the opening (Fig 5).

Cheung, Boll & Hsu are combinable because they are from the same field of endeavor, image-reading devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Hsu with Cheung and Boll.

The suggestion/motivation for doing so would have been to allow for vertical scanning.

Therefore, it would have been obvious to combine Hsu with Cheung and Boll to obtain the invention as specified in claims 5,12,17.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (US 2003/0058488A1).

For claim 1, which is representative of claims 8 and 13, Hsu teaches a floating window, suitable for use in a flatbed scanner, wherein the flatbed scanner comprises at

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least a top lid having an opening therein and an optical scan module, and the optical scan module periodically shifts under the opening, the floating window, comprising: a transparent flat panel 1300, disposed under the opening and having a top surface and an opposing bottom surface; a supporting member 1510, located on a surface of the top lid, the supporting member having a supporting surface which is in contact with a periphery of the bottom surface of the transparent flat panel; a limiting member 1700, located on the surface of the top lid, the limiting member having a limiting surface disposed on a periphery of the top surface of the transparent flat panel; and a flexible member 1600, disposed between the top surface and the limiting surface, wherein when the optical scan module pushes the bottom surface of the transparent flat panel upward, the flexible member presses the top surface of the transparent flat panel downward accordingly (Fig 3 Page 2 Paragraphs 0024-0025,0029).

Regarding claim 2, which is representative of claims 9 and 14, Hsu teaches wherein the optical scan module comprises a pushing device disposed on top of the optical scan module, such that the optical scan module pushes the transparent flat panel upward via the pushing device (Fig 5).

For claim 3, which is representative of claims 10 and 15, Hsu teaches expressly wherein the pushing device slides under the bottom surface of the transparent flat panel (Figs 4-5).

For claim 4, which is representative of claims 11 and 16, Hsu teaches wherein the pushing device rolls horizontally under the bottom surface of the transparent flat panel (Figs 4-5).

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For claim 5, which is representative of claims 12 and 17, Hsu teaches wherein the transparent flat panel extends to a region beyond the opening, while the moving area of the pushing devices includes a part of the region beyond the opening (Figs 2, 4-5).

Considering claim 6, which is representative of claim 18, Hsu teaches wherein the supporting member is integrally formed with the surface of the top lid (Fig 5).

For claim 7, which is representative of claim 19, Hsu discloses wherein the limiting member is integrally formed within the surface of the top lid (Figs 2-3).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Heather D Gibbs  
Examiner  
Art Unit 2625

hdg



~~THOMAS LEE~~  
PRIMARY EXAMINER